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PORTER MCGUIRE KIAKONA, LLP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

MAUREEN NOLAN,

Plaintiff,

vs.

PORTER MCGUIRE KIAKONA, LLP,

Defendant.

CASE NO.: 1:23-CV-00271-DKW-WRP

DEFENDANT PORTER MCGUIRE
KIAKONA, LLP'S **MOTION TO**
SET ASIDE ENTRY OF
DEFAULT; MEMORANDUM IN
SUPPORT; DECLARATION OF
DAVID J. HOFTIEZER;
CERTIFICATE OF SERVICE

**DEFENDANT PORTER MCGUIRE KIAKONA, LLP'S
MOTION TO SET ASIDE ENTRY OF DEFAULT**

Defendant PORTER MCGUIRE KIAKONA, LLC (“PMK”), by and through its counsel at Goodsill Anderson Quinn & Stifel LLLP, hereby moves this Honorable Court to set aside the Entry of Default entered herein on August 7, 2023 [ECF No. 10] (the “Default”) so that PMK can answer Plaintiff Maureen Nolan’s (“Plaintiff”) operative Complaint for Damages, Declaratory Relief, and Injunctive Relief, Exhibits One Through Eighteen [ECF No. 1] (the “Complaint”) and adjudicate Plaintiff’s claims on the merits. Good cause exists to set aside the Default, and the Court should exercise its discretion to do so, because the failure to respond was due to a calendaring error rather than any intentional conduct, PMK has numerous and meritorious defenses to Plaintiff’s claims, and because setting aside the Default would not prejudice Plaintiff. Justice is best served by allowing parties to adjudicate claims on the merits.

This motion is based on the accompanying memorandum, the declaration and exhibit attached thereto, and the record herein and is made pursuant to Rules 7 and 55(c) of the Federal Rules of Civil Procedure and Rule 7.2 of the Local Rules of Practice for the United States District Court for the District of Hawai‘i.

This motion is made following the conference of counsel pursuant to Local Rule 7.8 that took place on August 9, 2023.

DATED: Honolulu, Hawai‘i, August 16, 2023.

/s/ David J. Hoftiezer

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